

REMARKS

Reconsideration of this application is respectfully requested. Claims 29, 30, 33, 40, and 44 have been canceled and claims 24, 27, 28, 38, 39, 46, and 48 have been amended. No new matter enters through this amendment.

Applicants submit that the **FINALITY** of the Office Action dated January 26, 2005, is **PREMATURE**. The Examiner introduced new grounds for rejection in the Office Action. Applicants' amendment did not necessitate these new grounds of rejection. Rather, the Examiner's rejections could have been made in the last Office Action, but were not. Thus, the Office Action should not have been a final action. See, M.P.E.P. §706.07(a). **Accordingly, applicants respectfully request withdrawal of the finality of the Office Action.**

Claims 24-49 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. The Examiner alleges that the recitations "all or a part of a viral genome coding for a viral core" and "capable of forming viral particles selected for their fusogenic properties" in claim 24 are vague and indefinite.

Amended claim 24 does not contain the above recitations. Rather, claim 24 recites a "first polynucleotide coding for a retroviral core" and that the encoded polypeptides are "capable of forming viral particles, which have fusogenic properties." As the Examiner recognizes, many viruses do not contain a defined core structure; whereas, retroviruses contain a defined core structure. Thus, the skilled artisan would understand the meaning of a "retroviral core" in claim 24. In addition, the viral particles of amended claim 24 "have fusogenic properties" and need not be selected. Accordingly, applicants respectfully request withdrawal of the rejection.

Claims 24-49 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly lacking enablement. The Examiner contends that the invention requires retroviral core proteins and fails to teach which viral envelopes, other than VSV-G, will work in the claimed invention.

As detailed above, claim 24 has been amended to recite a "retroviral" core. In addition, claim 24 has been amended to recite a "VSV glycoprotein." Thus, applicants' amended claims obviate the basis for this rejection. Accordingly, applicants respectfully request withdrawal of the rejection.

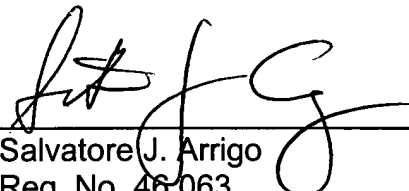
Applicants respectfully submit that the application is in condition for allowance. Should the Examiner disagree, he is invited to contact the undersigned to discuss any remaining issues.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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